

## **REMARKS**

Claims 3, 17 and 21-26 have been amended. No claims have been added or cancelled. Therefore, claims 1-26 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 101 Rejection:**

The Office Action rejected claims 21-26 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 21-26 have been amended to recite a tangible computer accessible medium, which is clearly statutory subject matter. Thus, applicants respectfully request removal of the § 101 rejection of claims 21-26.

### **Section 112, Second Paragraph, Rejection:**

The Office Action rejected claims 2, 3, 4, 9, 10, 13, 14, 17 and 18 under 35 U.S.C. § 112, second paragraph, as lacking antecedent basis. Applicants respectfully traverse this rejection for at least the reasons given below.

Regarding claims 2, 9, and 13, the Examiner asserts that the phrase “binary differencing of a binary representation” lacks sufficient antecedent basis. However, since each of claims 2, 9 and 13 recite the initial introduction, within each respective set of claims, of the phrase “binary differencing of a binary representation”, Applicants respectfully submit that no antecedent basis is required.

Claims 3 and 17 have been amended to refer to “said binary differencing” and “said performing binary differencing”, respectively.

Regarding claims 4, 10, 14 and 18, the Examiner asserts that phrase “object graph differencing” lacks sufficient antecedent basis. However, since each of claims 4, 10, 14

and 18 recite the initial introduction, within each respective set of claims, of the phrase “object graph differencing”, no antecedent basis is required.

For at least the reasons presented above, applicants respectfully request removal of the § 112 rejection of claims 2, 3, 4, 9, 10, 13, 14, 17 and 18.

**Section 102(b) Rejection:**

The Office Action rejected claims 1-26 under 35 U.S.C. § 102(e) as being anticipated by Haley et al. (U.S. Patent 6,529,941). Applicants respectfully traverse the § 102(e) rejection of claims 1-26 for at least the reasons presented below.

Regarding claim 1, contrary to the Examiner’s assertion, Haley fails to disclose a system configured to compare the primary state to a benchmark of the primary state to generate a subset of the attributes of the session data that have been modified in the primary state. Haley teaches a distributed system in which a session manager maintains a session manager state for each of multiple endpoint computer systems and uses a locking mechanism to ensure that changes to various information objects are only sent to the endpoints when those endpoints are ready to receive changes (Haley, Abstract, column 3, lines 13-29). The Examiner cites column 7, lines 25-29 of Haley. However, the cited portion of Haley does not make any reference to comparing a primary state to a benchmark of the primary state. Instead, the Examiner’s cited portion recites that as an application makes changes to its objects, the changes are reflected to the session manager, which changes its own corresponding objects and also sends copies of the changed info objects to other session managers. Nowhere does Haley mention comparing a primary state *to a benchmark* of the primary state. Instead, as noted above, Haley teaches that as changes are made in an application, those changes are also made to session manager objects and then forwarded to other endpoints without performing any sort of comparison between a primary state and a benchmark of the primary state.

Haley teaches that when a session manager receives a changed object, “the session manager changes the corresponding info object in its repository” (Haley, column 7, lines 29-33). Thus, rather comparing the primary state to a benchmark of the primary state, Haley teaches only that as changes are made in one portion of his distributed system, the changes are propagated throughout the system. Propagating changes through a system does not imply or include comparing a primary state of session data to a benchmark of the primary state. As noted above, Haley fails to mention comparing a primary state of session data to a benchmark of the primary state. Nor does Haley mention anything regarding generating a subset of the attributes of the session data that have been modified in the primary state.

In further regard to claim 1, Haley also fails to disclose a system configured to synchronize the back-up instance of the primary state with the primary state using the subset of the attributes of the session data. The Examiner cites column 7, lines 29-36 of Haley. However, the cited passage merely refers to how a session manager, upon receiving a changed object that belongs to a conference state from another session manager, changes a corresponding object in its repository and propagates the change to the application process. Haley does not, either at the examiner cites passage or elsewhere, mention anything about synchronizing *a back-up instance of a primary state* with the primary state. Nowhere does Haley mention a back-up instance of a primary state of session data. Nor does Haley describe synchronizing such a back-up instance of a primary state with the primary state and further fails to teach performing such a synchronization using a subset of the attributes of the session data. Instead, as noted above, Haley teaches only that changed objects are propagated throughout his system.

Furthermore, as noted above, Haley does not mention synchronizing *using a subset of the attributes* of the session data. Haley describes only that changed objects are sent to the various session managers and that after receiving a changed object a session manager changes its corresponding info object. Haley does not describe that a session manager synchronizes using a subset of the attributes of the session data. Additionally, Haley teaches that a changed object is sent in its entirety to other session managers

implying that existing objects are replaced by the received changed object (Haley, column 3, lines 50-65 and column 7, lines 25-36).

Applicants respectfully remind the Examiner that anticipation requires the presence in a single prior art reference disclosure of each and every limitation of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed above, Haley fails to disclose a system configured to compare the primary state to a benchmark of the primary state to generate a subset of the attributes of the session data that have been modified in the primary state. Haley also fails to disclose a system configured to synchronize the back-up instance of the primary state with the primary state using the subset of the attributes of the session data. Therefore, Haley cannot be said to anticipate claim 1.

For at least the reasons presented above, the rejection of claim 1 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 1 also apply to claims 15 and 21.

Regarding claim 7, Haley fails to disclose a system configured to generate a set of the plurality of attributes that are mutable attributes for use in synchronizing the back-up instance of the primary state with the primary state. The Examiner does not provide any arguments specifically regarding the rejection of claim 7. Instead, the Examiner merely states that “[c]laims 7-10 are rejected for the same reasons set forth in the rejection of claims 1-4.” **However, since claim 7 recites different limitations than claims 1-4, the Examiner has not provided a proper rejection of claim 7.**

Additionally, none of the passages cited by the Examiner in his rejection of claim 1 describe generating *a set of a plurality of attributes that are mutable attributes*. Nor do

any of the Examiner's cited passages disclose anything about generating such a set of attributes for use in synchronizing the back-up instance of the primary state with the primary state. Instead, as noted above regarding claim 1, Haley teaches that changed objects are propagated (in their entirety) around his system and that each system updates its own information repository accordingly. Thus, in Haley's system, entire changed objects, rather than sets of mutable attributes, are used for synchronization. Haley simply does not describe generating a set of mutable attributes for use in synchronizing a back-up instance of the primary state with the primary state.

Additionally, Haley fails to disclose that his system is configured to synchronize the back-up instance of the primary state with the primary state according to the generated set of the mutable attributes of the session data. The Examiner does not cite any portion of Haley that discloses anything about synchronizing *according to a generated set of mutable attributes*. Nor does the Examiner provide any explanation or argument regarding those portions of Haley that the Examiner considers relevant to synchronizing a back-up instance of a primary state of session data with the primary state according to such a generated set of mutable attributes. As noted above, Haley fails to teach generating such a set of mutable attributes and instead sends entire changed objects to other session managers so that they can update their own information repositories.

In addition, Haley does not describe synchronizing a back-up instance of the primary state with the primary state. Instead, Haley teaches that changed objects are sent to session managers so that they can update their information repositories and hierarchies of objects. None of Haley's information repositories or object hierarchies can be considered back-up instances of primary state of session data. Haley teaches that each session manager includes a repository "for storing hierarchies of objects for conferences in which the applications on the workstation are participating" (Haley, column 6, lines 38-43). Thus, Haley's repositories hierarchies are the actual working versions of the conference state and are clearly not back-up instances of primary state of session data.

Furthermore, Haley fails to disclose a distributed node comprising a primary state of session data and another node comprising a back-up instance of the primary state. The Examiner fails to address this limitation in his rejection of claim 7. None of the passages of Haley cited by the Examiner regarding claim 1 have any relevance to, or make any mention of, a node comprising a back-up instance of the primary state of session data.

Thus, for at least the reasons presented above, the rejection of claim 7 is not supported by the prior art and removal thereof is respectfully requested.

Regarding claim 11, Haley fails to disclose means for determining a set of the attributes of the session data that differ between the primary state and the other instance of the primary state, in contrast to the Examiner's assertion. As with claim 7, discussed above, the Examiner fails to provide a proper rejection of claim 11. Specifically, the Examiner erroneously contends that claim 11 recites the same limitations as claim 1 and rejects claim 11 for the same reasons as claim 1. However, claim 11 and claim 1 differ in scope, which the Examiner has not addressed. Therefore, the rejection of claim 11 is improper.

Furthermore, none of the passages cited by the Examiner regarding claim 1 mention or describe determining a set of attributes that differ between the primary state and the other instance of the primary state. Haley also fails to disclose means of synchronizing the other instance of the primary state with the primary state using the set of attributes of the session data that differ between the primary state and the other instance of the primary state. Instead, as noted above regarding claims 1 and 7, Haley teaches sending an entire changed object from one session manager to another so that changes may be propagated throughout his system. Nowhere does Haley describe determining a set of attributes that differ between two instances of primary states of session data or synchronizing the two instances using the determined set of attributes.

Without some mention or description of a means for determining a set of attributes of the session data that differ between the two instances of the primary state of the session data and for synchronizing the two instances using the set of attributes that differ between two instances, Haley cannot be said to anticipate claim 11.

For at least the reasons above, the rejection of claim 11 is not supported by the prior art and removal thereof is respectfully requested.

In regards to claim 2, Haley fails to disclose a system configured to perform binary differencing of a binary representation of the primary state and a binary representation of the benchmark of the primary state to determine the modified attributes, contrary to the Examiner's assertion. The Examiner cites column 7, lines 33-36 and argues Haley's teachings regarding the fact that changes to an application's hierarchy of information objects is reflected in the session manager's info object and vice-versa includes performing a binary differencing of a binary representation of the primary state to a binary representation of the benchmark of the primary state. The Examiner's interpretation of Haley is incorrect. Haley fails to mention binary differencing at all, whether at the Examiner's cited passage or elsewhere. Furthermore, contrary to the Examiner's contention, merely describing that changes made in one system are reflected and made in other systems does not imply performing a binary differencing of a binary representation of a primary state and a binary representation of the benchmark of the primary state. Changes to data objects may be performed in any number of ways that do not involve performing a binary differencing. Also, as noted above regarding claim 1, Haley fails to disclose using a benchmark of the primary state of session data.

For at least the reasons presented above, the rejection of claim 2 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 2 also apply to claims 9, 13, 16, and 22.

Regarding claim 4, Haley fails to teach a system configured to perform object graph differencing of an object graph representation of the primary state and an object graph representation of the benchmark of the primary state to determine the modified attributes. The Examiner cites column 7, lines 33-36. However, the cited portion does not mention performing object graph differencing. Also, the Examiner incorrectly quotes the cited passage. Specifically, the Examiner states that column 7, lines 33-36 includes, "... binary differencing is expressed in Fig. 8". However, the cited passage makes absolutely no reference to binary differencing. Instead, the cited passage merely states that "[t]he manner in which changes made in the application process's hierarchy of objects is reflected in the session manager's info objects and vice-versa is expressed in FIG. 8." FIG. 8 further does not mention binary differencing or object graph differencing. Furthermore, claim 4 does not recite binary differencing. Instead, as noted above, claim 4 refers to *object graph differencing*. Thus, the Examiner cites passage has no relevance to the limitations of claim 4.

The fact that changes made in one system are also updated in other systems does not imply or necessarily include performing object graph differencing of an object graph representation of the primary state and an object graph representation of the benchmark of the primary state.

Therefore, for at least the reasons presented above, the rejection of claim 4 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 4 also apply to claims 10, 14, 18 and 24.

Applicants also assert that numerous other ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

## CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-12100/RCK.

Also enclosed herewith are the following items:

- Return Receipt Postcard
- Petition for Extension of Time
- Notice of Change of Address
- Fee Authorization Form authorizing a deposit account debit in the amount of \$ for fees (      ).
- Other:

Respectfully submitted,



Robert C. Kowert  
Reg. No. 39,255  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8850

Date: June 23, 2005